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500.38056CC4 | E4873-08EW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): WAKABAYASHI, et al.
Serial No.: 10/715,387
Filed: November 19, 2003
For: METHOD OF REPRODUCING INFORMATION WITH
EQUALIZATION COEFFICIENT FOR THE REPRODUCED I
INFORMATION
Group: 2656
Examiner: G. Patel
Conf. No.: 5500

NON-ENTRY OF INFORMATION DISCLOSURE STATEMENT - TRAVERSED

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

December 29, 2005

Sir:

Responsive to the Notice of Allowance mailed 20 December 2005, Applicant's previously-submitted 13 October 2005 information disclosure statement has been refused entry, apparently on a basis that Applicant utilized a "wrong 1449 format".

Strong traversal is appropriate as there is no basis for denying entry. More particularly, MPEP 609 states, "Use of form PTO/SB/08A and 08B, "Information Disclosure Statement," is **encouraged** as a means to provide the requested list of information as set forth in 37 CFR 1.98(a)(1)." The term **"encouraged" does not mean "mandatory"**, and thus, there is **no authorization within the MPEP or elsewhere for an examiner to deny entry** when a different (i.e., non-PTO/SB/08A and 08B) type of listing/format is used. For convenience, and to travel a path of least resistance, submitted herewith is a Form PTO/SB/08A and 08B listing the

references. Applicant respectfully requests return of an Examiner-initialed copy indicating that the information (i.e., references) has been considered. Applicant respectfully thanks the Examiner in advance for such initialing/consideration.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.38056CC4) and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Paul J. Skwierawski".

Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(scrie de multe ori de necesar)</i>				Complete if Known	
				Application Number	10/715,387
				Filing Date	11/19/2003
				First Named Inventor	WAKABAYASHI, et al.
				Art Unit	2656
				Examiner Name	G. Patel
				Attorney Docket Number	500.38056CC4
Sheet	1	of			

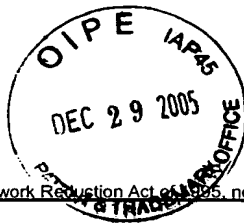
[illegible][illegible]

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/715,387
Filing Date	11/19/2003
First Named Inventor	
Group Art Unit	2655
Examiner Name	
Attorney Docket Number	38056CC4

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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